IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA No. 459 of 2003
Date of Decision: 13.03.2007

Manjit Kaur

.....Appellant through
Mr. R.K.Malik,
Advocate

versus

State of Haryana and another

.....Respondents through
Mr. B.S.Rana, Addl.
A.G.Haryana

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIVE BHALLA

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Vijender Jain, Chief Justice (Oral)

The appellant, herein, challenges the order of learned Single Judge dated 23.04.2003, whereby her writ petition, impugning the order of termination was dismissed.

We have perused the judgment. Learned Single Judge while dismissing the writ petition, has primarily held that the appellant was not appointed against any sanctioned post after following the procedure prescribed for regular or even adhoc appointment. It was also held that the appellant was appointed without sending any requisition to the Employment Exchange or issuing a short term advertisement. The other questions, namely, the plea of regularisation are ancillary.

The appellant, vide C.M. No. 1851 of 2003, filed an application under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure to place on record additional documents, Annexures A1 and A2. These documents appear to suggest that a requisition was sent to the Employment Exchange, Gurgaon for recruitment to the post to which the appellant was appointed. The State of Haryana has not filed any reply in opposition to the aforementioned application or to rebut the documents Annexures A1 and A2.

Consequently, without expressing any opinion on the merits of the present controversy, we set-aside the judgment dated 23.04.2003 and remand the case to the learned Single Judge to decide the same afresh after hearing both the parties.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

13.03.2007
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